

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA**

Friedrichs Harris, Administrator of the
Estate of Evan M. Harris, deceased,

Plaintiff,

v.

Civil Action No. 2:16-cv-46
Judge Bailey

Q & A Associates, Inc.
Angela Shockley, Individually,
Keith Bishop, Individually,
Matthew Shockley, Individually,
Sandy Schmiedeknecht, Individually, and,
Tammy Robbins, Individually,

Defendants.

**PLAINTIFF'S PETITION FOR COURT APPROVAL OF
WRONGFUL DEATH SETTLEMENT AND DISTRIBUTION**

Now comes Plaintiff by and through his counsel David A. Sims and Law Offices of David A. Sims, PLLC and does hereby Petition this Court for approval of a wrongful death settlement and the distribution of the settlement proceeds. Said Petition is based upon the following:

1. Plaintiff and Defendants conducted mediation in the above-styled action and were able to reach an agreement, following the mediation, to resolve the matter for a confidential sum of money and for certain changes that Defendants have agreed to make with respect to their business practices.
2. Plaintiff has always maintained that the case was filed to protect other participants in the programs offered by the Defendants and not about money he may receive, or the other beneficiaries of the Estate of Evan M. Harris may receive.

3. Plaintiff Friedrichs Harris is Evan's father; Kathleen Stull Harris is Evan's mother; and, Emily Harris is Evan's sister. These people are the only beneficiaries of the Estate of Evan M. Harris. Each of the beneficiaries has been advised of the amount of the settlement proceeds, the attorney's fees and expenses and the proposed distribution of them. Each of the beneficiaries have executed a Consent to Settlement and Distribution
4. Because the monetary sum of the settlement is confidential, the sum is not referenced in this Petition as the Petition is a public document and will forever remain in the public domain.
5. Plaintiff asks this Court to enter an Order approving the wrongful death settlement in the case and the distribution of the settlement proceeds.
6. Plaintiff avers that the monetary sum to be received and the changes in the business practices of the Defendants are in the best interests of the beneficiaries of the Estate of Evan M. Harris.
7. Plaintiff avers that a jury verdict, if any, in favor of the Plaintiff would not have accomplished any changes in the business practices of the Defendants and the changes in the business practices are what the beneficiaries of the Estate of Evan M. Harris desired most from the litigation.
8. Plaintiff previously entered into an agreement with David A. Sims and Law Offices of David A. Sims, PLLC wherein he was to receive forty (40%) of any recoveries received from the Defendants, plus any expenses that were incurred in the action.

9. Plaintiff avers that David A. Sims has prosecuted the case to his satisfaction and to the satisfaction of the beneficiaries of the Estate of Evan M. Harris and is entitled to recover his fee and his expenses incurred in this action.
10. Plaintiff is asking that the Court approve the fees and expenses to the Law Offices of David A. Sims, PLLC from the monetary proceeds to be paid to the Estate of Evan M. Harris.
11. Plaintiff avers that each of the beneficiaries of the Estate of Evan M. Harris are over the age of 18; that each of them is competent to enter into a Consent to Settlement and Distribution; that the settlement amount and the proposed distributions have been disclosed to each of them, including the attorney fees and expenses, and that each has voluntarily signed the Consent to Settlement and Distribution.
12. Plaintiff Friedrichs Harris avers that he does not want to receive any money from the settlement proceeds in this action and does hereby consent to the settlement and waive any claims to any money from the settlement proceeds, thus consenting to the distribution.
13. Plaintiff has proposed, and the other beneficiaries have agreed, that the settlement funds, after the payment of attorney fees and expenses, shall be equally divided and be paid to Kathleen Stull Harris and Emily Harris.
14. Plaintiff and the other beneficiaries have all agreed that the proposed distribution is fair and just and in the best interests of the beneficiaries of the Estate of Evan M. Harris.

Wherefore, Plaintiff proposes that this Court enter an Order approving the settlement and the proposed distribution, without a hearing, as each of the beneficiaries have signed a consent to the settlement and distribution.

Friedrichs Harris, Administrator

/s/David A. Sims

By:

David A. Sims (#5196)
LAW OFFICES OF DAVID A. SIMS, PLLC
P.O. Box 5349
Vienna, West Virginia 26105
304-428-5291
304-428-5293 (fax)
david.sims@mywvlawyer.com

Verification for Petition

I, Friedrichs Harris, upon my oath, do hereby aver that the information contained in this Petition is true and accurate or is based upon information that I believe to be true and accurate.

s/Friedrichs Harris, M.D.

Friedrichs Harris, M.D.

Taken and subscribed to before me, a Notary Public, on the 20th day of July 2018.

s/Notary Public

Notary Public

Original Signatures are attached as Exhibit A.

CERTIFICATE OF SERVICE

I David A. Sims as counsel for Plaintiff do hereby certify that I served the attached Plaintiff's Certificate of Service through the Clerk of the Court CM\ECF system, which sent copies of the same to counsel for Defendants:

Lindsey M. Saad, Esquire
FLAHERTY SENSABAUGH BONASSO, PLLC
48 Donley Street
Suite 501
Morgantown, WV 26501

Dated at Vienna, West Virginia on this 23rd day of July 2016.

Friedrichs Harris, Administrator
By counsel,

/s/David A. Sims

David A. Sims (W.Va. Bar No. 5196)

LAW OFFICES OF DAVID A. SIMS, PLLC
P. O. Box 5349
Vienna, West Virginia 26105
(304)-428-5291
david.sims@mywvlawyer.com